



# Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021

2021 asp 18

## 2 Power to make order in respect of person convicted

(1) After section 1 of the 1953 Act, insert—

### **“1A Orders in respect of persons convicted of an offence under section 1**

- (1) Where a person (P) is convicted of an offence under section 1, the court may make an order—
  - (a) disqualifying P from owning or keeping a dog during such period as the court thinks fit,
  - (b) requiring P, during such period as the court thinks fit, to prevent any dog of which P has charge from going on to land which P knows, or reasonably ought to know, is agricultural land on which livestock is present or is likely to be present, or
  - (c) both.
- (2) Where P is convicted of an offence under section 1, then for the purposes of any appeal under the Criminal Procedure (Scotland) Act 1995 (c.46) an order under subsection (1) is to be treated as a sentence.
- (3) If P fails to comply with an order under subsection (1), P commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) Subsection (5) applies where an order has been made under subsection (1) and at least one year has elapsed since the order was made.
- (5) P may, in such manner as may be prescribed by rules of court, apply to the court which made the order for the order to be discharged in whole or in part, or otherwise varied.
- (6) If the application in respect of an order is refused, in whole or in part—
  - (a) P may appeal to the Sheriff Appeal Court, and

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**Changes to legislation:** *There are currently no known outstanding effects for the Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, Section 2. (See end of Document for details)*

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- (b) no further application in respect of that order shall otherwise be competent unless at least one year has elapsed from the date of the refusal.”
- (2) The modification made by subsection (1) applies only to offences committed on or after the date on which the modification comes into force.

**Changes to legislation:**

There are currently no known outstanding effects for the Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, Section 2.